



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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Governor

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March 7, 1996

## CERTIFIED RETURN RECEIPT

P 074 978 977

Andrew Robinson  
Ash Grove Cement Company  
P. O. Box 51  
Nephi Utah 84648

Re: Surety Bond Cancellation Notices, Ash Grove Cement Company ("Ash Grove")  
Leamington Quarry, M/023/004; Navajo Sandstone Mine, M/023/010; Nielson  
Sandstone Quarry, M/023/012; County Canyon Mine, M/023/024; all within Juab  
County, Utah

Dear Mr. Robinson:

On March 1 and 4, 1996, we received a notice of cancellation from CNA Insurance Company (CNA) for each of the four reclamation bonds provided by National Fire Insurance Company of Hartford. The bonds will be cancelled ninety (90) days from our receipt of these notices. The effective cancellation dates are May 31, 1996 for the Leamington Quarry and Nielson Quarry sureties, and June 2, 1996 for the Navajo Sandstone and County Canyon Mine sureties. The current bond amounts for each of the four Ash Grove mines are shown below with the respective surety bond identification numbers.

Leamington Quarry	M/023/004	Bond [redacted]	\$645,700
Nielson Sandstone	M/023/012	Bond [redacted]	\$104,800
Navajo Sandstone	M/023/010	Bond [redacted]	\$16,900
County Canyon	M/023/024	Bond [redacted]	\$27,800

On page three of nine, item two, of Ash Grove's Reclamation Contract agreements with the Division is the following provision:



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*... "If the Surety Contract expressly provides for cancellation, then, within 60 days following the Division's receipt of notice that the Surety Company intends to cancel the Surety Contract, the Operator shall provide a replacement Surety Contract in a form and amount reasonably acceptable to the Board. If the Operator fails to provide an acceptable replacement Surety Contract, the Division may order the Operator to cease further mining activities and to begin immediate reclamation of the Disturbed Area."*

On page four of nine, item eleven, the Reclamation Contracts reads:

*"Any breach that the Division finds to be material of the provisions of this Contract by Operator may, at the discretion of the Division, result in an order to cease mining operations. After opportunity for notice and hearing, the Board of Oil, Gas and Mining may enter an order to revoke the Notice of Intention, order reclamation, or order forfeiture of the Surety Contract, or take such other action as is authorized by law."*

According to the terms of the Reclamation Contracts, Ash Grove must provide the Division with acceptable replacement reclamation sureties within 60 days of our receipt of the surety cancellation notices (i.e., **Tuesday, April 30, 1996 and Friday, May 3, 1996**). In addition to replacing the sureties, Ash Grove will also need to provide the Division with new Reclamation Contracts for each of the four operations. We have enclosed a copy the current Reclamation Contract (Form MR-RC) for your use. You may make photocopies of this form as needed. We suggest you use Ash Grove's copies of the current reclamation contracts as a reference and guide for completing the new reclamation contracts.

The Board has directed the Division to use the current Reclamation Contract form and to update/escalate the existing surety dollar amounts, when changes are made to the reclamation surety. The Reclamation Contracts and surety amounts were last updated and approved by the Board during the April 1995 Board Hearing. We have subsequently updated the surety amounts for these four Ash Grove operations. The new reclamation surety amounts for these operations in terms of the year 2001 dollars are: Leamington Quarry \$698,200; Nielson Quarry \$113,400; Navajo Sandstone Mine \$18,100; and County Canyon Mine \$31,800. Copies of the escalation calculations are attached for your information.

Please complete the new Reclamation Contract forms and submit the signed original copies to the Division. If the replacement sureties will be surety bonds, Ash Grove will need to use the Joint Agency Surety Bond forms for those operations involving federally managed lands or minerals. The Joint Agency Surety Bonds will need to list the appropriate regulatory entities for each of the four mine operations. The agencies to be listed on each surety bond,

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in addition to the Division of Oil, Gas and Mining, are: U.S. Department of Agriculture - Forest Service for the Leamington Quarry, U.S. Department of the Interior - Bureau of Land Management for the Nielson Quarry and Navajo Sandstone Mine. Since the County Canyon Mine involves a saleable minerals lease, separate bonds must be filed independently with the Division and BLM. It is our understanding that Ash Grove will be replacing the bonds with surety bonds issued by St. Paul Fire and Marine. If Ash Grove wishes to post a different form of reclamation surety, please contact the Division to obtain the appropriate forms at your earliest convenience.

Please be aware that a failure to provide these documents in a timely manner could result in the issuance of a Board Order directing the Division to commence bond forfeiture proceedings to collect the existing sureties at least 30 days before the 90-day expiration date. The Mined Land Reclamation Act requires a large mining operation to maintain acceptable reclamation surety in order to continue active mining operations.

Thank you for your immediate attention to this matter. If you have any questions regarding this letter, contact me or Wayne Hedberg, Minerals Permit Supervisor, at your earliest convenience.

Sincerely,



Anthony A. Gallegos  
Senior Reclamation Specialist

jb

Attachments: Reclamation surety updates 3/6/96

Enclosures: Reclamation Contract (MR-RC), Guideline for Completing MR-RC, Surety Bond Form, Joint Agency Surety Bond Form,

cc: Susan Vacinek, Ash Grove Cement Co; Risk Management Administrator  
8900 Indian Creek Parkway, Suite 600, P. O. Box 25900  
Overland Park, KS 66225 (913) 451-8900  
Eloise Babin, CNA Insurance Companies  
Peter Karp, Forest Supervisor, Uinta National Forest  
Rex Rowley, BLM, Wam Springs RA  
J. W. Carter, Director, DOGM  
V. Bailey, Acting Secretary of the Board of Oil, Gas and Mining  
Lowell Braxton, Associate Director, DOGM  
Wayne Hedberg, Permit Supervisor, DOGM (route)

ASHBONDS.LET

# SURETY ESTIMATE UPDATE

Ash Grove Cement Company

County Canyon Mine

M/023/024

Prepared by Utah Division of Oil, Gas & Mining

filename M23-24UP.WB2

Last Update 03/06/96

Juab County

## DESCRIPTION:

-Reclamation estimate of \$44,600 was calculated in 1992 for 22 acres

-Current surety base amount was \$41,892 (1992-\$)

-Division & BLM both hold separate sureties for this operation

-Amount of surety required by the BLM is **\$21,600**

-This update adjusts the base amount to present dollars & escalates 5 yrs

-Actual escalation factor for 1995 is not yet available

-Average of past 3 yrs. actual escalation used to project future escalation

-Escalation factors through 1994 are actual Means Historical Cost Indices

-Total disturbed area = **22 ACRES**

CALCULATIONS	YR	ESCAL FACTOR	BOND AMOUNT
$F = P(1 + i)^{**n}$			
F = Future Sum	1991	0.0127	\$0
P = Present Sum	1992	0.0221	\$41,892
i = Escalation Factor	1993	0.0261	\$42,985
n = number of periods	1994	0.0321	\$44,365
	1995	0.0268	\$45,554
	1996	0.0268	\$46,775
Three Yr Average = 2.68%	1997	0.0268	\$48,029
Used to Project 5 Yrs	1998	0.0268	\$49,316
Into the Future	1999	0.0268	\$50,637
From the Year 1996	2000	0.0268	\$51,995
	2001	0.0268	\$53,388

Total Updated Surety Amount Rounded (2001-\$) **\$53,400**

Average cost per acre = **\$2,427**

**Surety Amount Required By DOGM (2001-\$) **\$31,800****

**THIS OPERATION IS CATEGORIZED BY THE BLM AS A MINERAL MATERIALS SALE  
THIS IS NOT COVERED UNDER THE CURRENT MOU FOR LOCATABLE MINERALS**